

indefiniteness. The Office Action asserts that claims 12, 13, 15, 22-24 depend from canceled claims. Applicants have amended the dependency of these claims accordingly. The Office Action also questions the language of claims 30 and 47-49 with regard to whether the claimed compounds are oligomers or mixtures of monomers. Applicants have amended the claims to more clearly indicate that the claimed compounds are oligomers comprising at least one monomeric subunit of the formula specified in the claim. The Office Action questions the term "l" in claim 30. Applicants respectfully point out, however, that this variable is shown in formulas in each of the claims, and represents the number of alkylene groups present between the tether carboxyl group and the group denoted as variable "L".

The Office Action further questions the antecedent basis of the term R^3 in claim 47, apparently for improper superscripting. However, in each of Applicants' copy of the specification as filed, and in Applicants copy of the amendment filed June 17, 1999, the "3" of the R^3 variable appears as a superscript in each of the formulas of the claims, as well as in the text of each claim, and thus do not appear to require correction. Applicants therefore respectfully request clarification of this aspect of the rejection.

In view of the preceding remarks, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 18, 19 and 33 are rejected under 35 U.S.C. § 112, fourth paragraph, for failing to further limit that subject matter of the previous claim. Applicants have canceled claims 18 and 19, thus rendering this aspect of the rejection moot. The Office Action asserts that claim 33 fails to limit claim 37

because it merely specifies that variable R^{13} is a conjugate. However, Applicants have amended claim 32 to more clearly indicate that what was intended was that R^{13} be present, i.e., that variable "a" be 1.

In view of the preceding discussion, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, fourth paragraph.

Claims 1, 8, 12, 13, 15, 18-20, 22-24, 37, 40, 42 45 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Publication WP 93/12129 to Thompson et al. ("Thompson et al.") on the basis that Thompson et al. discloses various "Q" groups at pages 5-6 thereof. However, it is believed that this reference is not properly applied against the present claims. The priority document, PCT/EP92/01219 discloses each of the conjugate groups of the Thompson et al. reference at, for example, page 17 and in claim 1. Inasmuch as the priority document discloses the pertinent disclosure of the Thompson et al. reference, Thompson et al. is not prior art against the present claims under 35 U.S.C. § 103(a). See *In re Stryker*, 168 U.S.P.Q. 372 (C.C.P.A. 1971). Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1, 8, 12-15, 18-20, 22-24, 37 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,834,607 to Manoharan et al. ("Manoharan et al.") in view of Nielsen et al., Science 254:1497 (1991) ("Nielsen et al."). As the Office Action notes, the Manoharan et al. reference has a common inventor and assignee with the present application. ~~Applicants will submit within the next few days a~~
declaration of Dr. Manoharan attesting to the fact that he alone

invented the subject matter that the Office Action asserts renders the present claims obvious when combined with the Nielsen disclosure. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1, 5, 8-10, 12, 13, 15, 18-20, 22-24, 30-33, 37 40, 42, 43, 45 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Thompson et al. or Manoharan et al. taken in view of Nielsen et al., further taken in view of U.S. Patent No. 4,711,955 to Ward et al. ("Ward et al."). Inasmuch as both primary references (i.e., the Thompson et al. and the Manoharan et al. reference) are not prior art against the present claims as discussed above, Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants believe that the claims presently before the Examiner patentably define the invention over the art of record and are otherwise in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,



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